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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

| | | |
|---------------------------|---|---------------------------------------|
| UNITED STATES OF AMERICA, |) | NO. 3:22-CR-00390-RS |
| |) | |
| Plaintiff, |) | STIPULATION AND ORDER TO CONTINUE |
| |) | MATTER AND EXCLUDE TIME FROM |
| v. |) | JANUARY 23, 2024 TO FEBRUARY 13, 2024 |
| |) | |
| HEVER SUAREZ, |) | |
| |) | |
| Defendant. |) | |

It is hereby stipulated by and between counsel for the United States and counsel for the defendant Hever Suarez, that the status conference set for this matter on January 23, 2024 be continued to February 13, 2024. Additionally, it is hereby stipulated by and between counsel for the United States and counsel for the defendant Hever Suarez that time be excluded in this matter, under the Speedy Trial Act, from January 23, 2024 to February 13, 2024.

A status hearing was last held in this case on November 21, 2023. *See* Dkt. 140. At that hearing, the Court granted the parties' joint request to continue the matter to January 23, 2024 at 2:30 p.m. As the parties discussed on the record, this case involves a substantial amount of discovery and undersigned defense counsel is still relatively new to this case. The government has recently finalized producing all

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TIME FROM JANUARY 23, 2024 TO FEBRUARY 13, 2024 [Case No. 3:22-cr-00390-RS]

1 of the discovery to defense counsel and provided a draft plea agreement. As a result, defense counsel
2 needs time to review all of the discovery, which is voluminous, and confer with Mr. Suarez about case
3 outcomes.

4 On January 3, 2024, through a clerk's notice, the Court advanced January 23, 2024 status
5 conference to 9:30 a.m. *See* Dkt. 143. Unfortunately neither counsel is available at that time. As a
6 result, the parties are now requesting that the Court continue the status conference a few weeks to
7 February 13, 2024 at 2:30 p.m.

8 Additionally, as noted above, the parties believe that time should be excluded to February 13,
9 2024 for effective preparation of counsel. More specifically, the parties stipulate and agree that the time
10 between January 23, 2024 and February 13, 2024 will allow for the effective preparation of counsel. *See*
11 18 U.S.C. § 3161(h)(7)(B)(iv). The parties further stipulate and agree that the ends of justice served by
12 excluding the time from January 23, 2024 through February 13, 2024, from computation under the
13 Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C.
14 § 3161(h)(7)(A), (B)(iv).

15 The undersigned Assistant United States Attorney certifies that he has obtained approval from
16 counsel for the defendant to file this stipulation and proposed order.

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18 IT IS SO STIPULATED.

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20 DATED: January 12, 2024

/s/
CHARLIE BISESTO
Assistant United States Attorney

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22 DATED: January 12, 2024

/s/
EDWIN PRATHER
Counsel for Defendant Hever Suarez

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ORDER

Based upon the facts set forth in the stipulation of the parties, and for good cause shown, the Court finds that the status conference in this matter should be continued to February 13, 2024. The Court further finds that failing to exclude the time from January 23, 2024 through February 13, 2024 would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from January 23, 2024 through February 13, 2024 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the matter be continued to February 13, 2024 at 2:30 p.m. and the time from January 23, 2024 through February 13, 2024 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A), (B)(iv).

IT IS SO ORDERED.

DATED: January 12, 2024



HON. RICHARD SEEBORG
United States Chief District Judge